 DEPARTMENT OF ENVIRONMENTAL QUALITY	OPERATING PROCEDURE LAND AND WATER MANAGEMENT DIVISION	NUMBER: 303-05-04
		PAGE: 1 of 2
SUBJECT: TERMINATION OF A DEQ CONSERVATION EASEMENT		EFFECTIVE DATE: 01/07/05
SECTION AND/OR UNIT: Lakes, Streams and Shorelands Section / Wetlands, Lakes and Streams Unit	APPROVAL SIGNATURE:	REV. DATE: 06/05/07
	Elizabeth M. Browne, Acting Chief Land and Water Management Division	ALSO SEE:

PURPOSE: Provide guidance to the Department of Environmental Quality's (DEQ) Land and Water Management Division regarding the termination of recorded conservation easements (CE).


DEFINITIONS: Conservation Easement Coordinator (CEC), Conservation Easement (CE)

CRITERIA: Termination of the CE must meet one of the following conditions:

1. Termination of the CE is dependent upon District Staff verification that none of the permit activities took place.
2. Termination of the CE may occur where the Division Chief determines the site is permanently protected and the easement is no longer required. (Federal or approved State Agency holds permanent easement.)
3. Termination of the CE may occur following completion of Modification of Easement Procedures and the Director's determination to relinquish the CE.
4. Termination may be allowed in special circumstances where the Division Chief has determined that the purpose for holding a CE over the site is no longer applicable. (CE is upland, cannot be converted to wetland, and does not function as integral wetland habitat or hold any environmental resource value worth protecting.)
5. Court action.

FORMS USED: Termination of CE Form.

WHO	DOES WHAT
REQUESTOR	Submits a written request to the DEQ to terminate a recorded CE. Termination request must meet one of the criteria cited above.
DISTRICT STAFF	<p>If termination is dependent upon the criterion that none of the permitted activities took place or the site contains no resource value, District Staff reviews the request, makes an on-site inspection, and determines if any of the permitted activities took place or the site contains resource values.</p> <ul style="list-style-type: none"> • If any of the permit activities occurred or the site contains some resource value, the requestor is denied the request and encouraged to go through Modification of Easement Procedures. • If it is determined that none of the permit activities took place or the site contains no resource values, District Staff submits a written statement to the CEC and requests termination of the CE.

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WHO	DOES WHAT
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| CEC | <ul style="list-style-type: none"> • Verifies with District Staff that none of the permit activities took place or the site contains no resource values or meets one of the other criteria above. • Seeks Division Chief written approval. • If approved, contacts Requestor and forwards a copy of the Termination Form and request for recording fees. • CEC forwards to Division Chief for execution. |
| DIVISION CHIEF | Division Chief provides written approval of the termination. |
| CEC | Attaches executed Termination Form to original CE, verifies fee, and forwards to the Register of Deeds. |
| REGISTER OF DEEDS | Records change in status of the property and returns documents to the CEC. |
| CEC | Updates easement database and forwards copy of the recorded document to Requestor and District Staff. Files terminated CE with closed files. |